

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Pending Claims

Upon entry of the amendment, claims 14 and 20-23 are currently pending, with claims 21 to 23 withdrawn from consideration.

The Amendment to the Claims

Claims 1-13 and 15-19 are cancelled.

Claims 14 and 23 are amended to be directed to 1-[2-(2-ethyl-2H-tetrazol-5-yl)-ethyl]-3-[5-(3-fluoro-4-methanesulfonyl-phenyl)-4-methyl-thiazol-2-yl]-urea (compound of Example 110).

Claim 20 is amended to refer to the compound of claim 14 in free or salt form.

Applicants reserve the right to pursue the canceled and amended subject matter in one or more continuation of divisional applications.

No new matter has been added. Entry of the amendment is respectfully requested.

The 35 USC 112, ¶ 1, Rejection

Claim 19 is rejected under 35 USC 112, ¶ 1. Claim 19 has now been canceled. Withdrawal of the rejection is respectfully requested.

The Nonstatutory Double-Patenting Rejection

Claims 14, 19 and 20 are provisionally rejected under the ground of nonstatutory obviousness-type double patenting over claims 1-7 of copending application 12/308,338 and claims 1-9 of copending application 12/097,723. Applicants respectfully request that this rejection be held in abeyance and will address the rejection when one or more claims in this or in the co-pending applications are found allowable.

The 35 USC 102 and 103 Rejections

Claims 14-16, 19 and 20 are rejected under 35 USC 102(e) as allegedly being anticipated by Bruce et al. (WO 2003/072557), and claims 14-20 are rejected under 35 USC 103 as allegedly being obvious over Bruce et al. (WO 2003/072557) and Hartman et al. (WO 2003/015778).

While not agreeing with the rejections, Applicants respectfully submit that the amendments to claims 14 and 20 and cancelation of claims 15, 16 and 19 obviate the rejections. Withdrawal of the rejections under 35 USC 102(e) and 35 USC 103 is respectfully requested.

Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any associated fees to Deposit Account No. 50-4409.

Respectfully submitted,

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